

AMENDED IN SENATE MAY 7, 2008
AMENDED IN SENATE APRIL 7, 2008

SENATE BILL

No. 1441

Introduced by Senator Ridley-Thomas

February 21, 2008

An act to add Article 3.6 (commencing with Section 315) to Chapter 4 of Division 1 of the Business and Professions Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

SB 1441, as amended, Ridley-Thomas. Healing arts practitioners: alcohol and drug abuse.

Existing law requires various healing arts licensing boards to establish and administer diversion programs or diversion evaluation committees for the rehabilitation of healing arts practitioners whose competency is impaired due to the abuse of drugs or alcohol.

This bill would establish in the Department of Consumer Affairs the Diversion Coordination Committee, which would be comprised of the executive officers of those healing arts *licensing* boards, as specified, that establish and maintain a diversion program or diversion evaluation committee, and would establish in the department the Licensee Drug and Alcohol Addiction Coordination Committee, which would be comprised of the executive officers of all other healing arts *licensing* boards. The bill would require these committees to meet periodically at the discretion of the department and to each issue, ~~by an unspecified date~~ *no later than January 1, 2010*, a set of best practices and recommendations, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature that the Bureau~~
2 ~~of State Audits conduct a thorough performance audit of the~~
3 ~~diversion programs created pursuant to this act in order to evaluate~~
4 ~~the effectiveness and efficiency of the programs and the providers~~
5 ~~chosen by the Department of Consumer Affairs to manage the~~
6 ~~programs, and to make recommendations regarding the~~
7 ~~continuation of the programs and any changes or reforms required~~
8 ~~to ensure that individuals participating in the programs are~~
9 ~~appropriately monitored, and the public is protected from health~~
10 ~~practitioners who are impaired due to alcohol or drug abuse or~~
11 ~~mental or physical illness. The department and its staff shall~~
12 ~~cooperate with the audit, and shall provide data, information, and~~
13 ~~case files as requested by the auditor to perform all of his or her~~
14 ~~duties. The provision of confidential data, information, and case~~
15 ~~files from health care-related boards to the auditor shall not~~
16 ~~constitute a waiver of any exemption from disclosure or discovery~~
17 ~~or of any confidentiality protection or privilege otherwise provided~~
18 ~~by law that is applicable to the data, information, or case files.~~

19 ~~SEC. 2.~~

20 ~~SECTION 1.~~ Article 3.6 (commencing with Section 315) is
21 added to Chapter 4 of Division 1 of the Business and Professions
22 Code, to read:

23
24 Article 3.6 Healing Arts Licensee Addiction and Diversion

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26 315. (a) There is established in the Department of Consumer
27 Affairs the Diversion Coordination Committee. The committee
28 shall be comprised of the executive officers of those healing arts
29 licensing boards within the department that establish and maintain
30 diversion programs or diversion evaluation committees. The
31 Director of Consumer Affairs shall act as the chair of the
32 committee.

33 (b) The committee shall meet periodically at the discretion of
34 the director and shall, no later than ~~_____~~ *January 1, 2010*, issue a
35 set of best practices and recommendations to govern those healing
36 arts licensing boards' diversion programs or diversion evaluation
37 committees. These recommendations shall propose best practices,
38 regulations, or changes in law, as are necessary, and shall include,

1 but shall not be limited to, recommendations addressing all of the
2 following issues:

3 (1) When a licensee is to be irrevocably terminated from the
4 diversion program and referred for disciplinary action.

5 (2) Periodic audits of the program.

6 (3) Whether a licensee enrolled in the program who may pose
7 a risk to patients may continue to practice while in the program
8 without the knowledge or consent of patients.

9 (4) How best to ensure that drug tests are random, accurate, and
10 reliable, and that results for those tests are obtained quickly.

11 (5) Whether there should be criteria for entry into the program,
12 such as criteria that differentiate between licensees who the board
13 has reason to believe pose a risk to patients and those where the
14 risk is speculative.

15 316. (a) There is established in the Department of Consumer
16 Affairs the Licensee Drug and Alcohol Addiction Coordination
17 Committee. The committee shall be comprised of the executive
18 officers of the healing arts licensing boards within the department
19 that do not establish and maintain diversion programs or diversion
20 evaluation committees. The Director of Consumer Affairs shall
21 act as the chair of the committee.

22 (b) The committee shall meet periodically at the discretion of
23 the department and shall, no later than ~~_____~~ *January 1, 2010*, issue
24 a set of best practices and recommendations to govern those healing
25 arts licensing boards' disciplinary programs as they relate to
26 disciplinary matters relating to drug or alcohol addiction. These
27 recommendations shall propose best practices, regulations, or
28 changes in law, as are necessary, and shall include, but shall not
29 be limited to, recommendations addressing all of the following
30 issues, related to drug or alcohol abuse:

31 (1) Criteria for placing a licensee on probation and related
32 criteria for reporting and monitoring the probation.

33 (2) Criteria for refusing a request for probation.

34 (3) Criteria for imposition of discipline and the level of
35 discipline.

36 (4) Criteria for restoration of a license.

37 317. For purposes of this article, "healing arts licensing board"
38 means any board established pursuant to Division 2 (commencing

- 1 with Section 500), the State Board of Chiropractic Examiners, or
- 2 the Osteopathic Medical Board of California.

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